3802. Misbranding of thyroid tablets, Neotresamide tablets, amphetamine sulfate tablets, phenobarbital tablets, diethylstilbestrol tablets, and methyltestosterone tablets. U. S. v. Arthur Weiler (Weiler's Drug Store), Lester E. Dorris, and Leonard Kehoe. Pleas of guilty. Defendant Weiler fined $800, plus one-half of the costs, and Defendants Dorris and Kehoe each fined $100, plus one-fourth of the costs. (F. D. C. No. 31307. Sample Nos. 30856–L, 31169–L, 31170–L, 31180–L, 31289–L, 31938–L.)

INFORMATION FILED: February 27, 1952, Eastern District of Illinois, against Arthur Weiler, trading as Weiler's Drug Store, Paris, Ill., and against Lester E. Dorris and Leonard Kehoe, pharmacists.

ALLEGED VIOLATION: On or about May 9 and 23 and June 5, 1951, while a number of *thyroid tablets*, *Neotresamide tablets*, *amphetamine sulfate tablets*, *phenobarbital tablets*, *diethylstilbestrol tablets*, and *methyltestosterone tablets* were being held for sale at Weiler's Drug Store after shipment in interstate commerce, various quantities of the drugs were repacked and dispensed without a prescription, which acts resulted in the repackaged drugs being misbranded.

Arthur Weiler was charged in each of the six counts of the information, Lester E. Dorris, in five of the counts, and Leonard Kehoe, in one of the counts, with causing the acts of repacking and dispensing of the drugs involved.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear a label containing an accurate statement of the quantity of the contents; Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use; and, Section 502 (b) (1), the repackaged *phenobarbital tablets* failed to bear a label containing the name and address of the manufacturer, packer, or distributor.

Further misbranding, Section 502 (d), the repackaged *phenobarbital tablets* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the repackaged tablets failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (e) (2), the label of the repackaged *Neotresamide tablets* failed to bear the common or usual name of each active ingredient; and, Section 502 (f) (2), the labeling of the repackaged *Neotresamide tablets* failed to bear adequate warnings against use.

DISPOSITION: September 18, 1952. Pleas of guilty having been entered, the court fined Defendant Weiler $800, plus one-half of the costs, and Defendants Dorris and Kehoe $100 each, plus one-fourth of the costs.

3803. Misbranding of Belladenal tablets. U. S. v. Wm. W. Myer Drug Stores Co., and Theodore J. Nelligan, Roy Roscoe Brown, and Harry L. Brawley. Pleas of guilty. Fine of $750 against firm, $250 against Defendant Nelligan, $100 against Defendant Brown, and $100 against Defendant Brawley. (F. D. C. No. 31295. Sample Nos. 13378–L, 13379–L.)

INFORMATION FILED: December 26, 1951, District of Colorado, against the Wm. W. Myer Drug Stores Co., a corporation, Denver, Colo., and Theodore J. Nelligan, manager of the corporation's store at 400 17th St., Denver, Colo., and Roy Roscoe Brown and Harry L. Brawley, pharmacists at the above store.

ALLEGED VIOLATION: On or about February 27 and March 1, 1951, while a number of *Belladenal tablets* were being held for sale at the above-mentioned

store after shipment in interstate commerce, the defendants caused a number of tablets to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged tablets being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drug failed to bear a label containing an accurate statement of the quantity of the contents.

Further misbranding, Section 502 (d), the repackaged drug contained phenobarbital, a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the drug failed to bear a label containing the name, and quantity or the proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (e) (2), the repackaged drug was not designated solely by a name recognized in an official compendium and was fabricated from two or more ingredients, and its label failed to bear the common or usual name of the active ingredient, phenobarbital, and the name, and quantity or proportion of the ingredient, hyoscyamine; and, Section 502 (f) (1), the labeling of the repackaged drug failed to bear adequate directions for use.

DISPOSITION: June 18, 1952. The corporation and Defendants Nelligan and Brown having entered pleas of guilty to count 1 of the information and Defendant Brawley having entered a plea of guilty to count 2 of the information, the court imposed a fine of $750 against the corporation, $250 against Defendant Nelligan, $100 against Defendant Brown, and $100 against Defendant Brawley.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS

3804. Adulteration and misbranding of allylisopropyl barbiturate sodium capsules and Hemotene tablets. U. S. v. Midwest Chemical Development Corp. Plea of nolo contendere. Fine, $400. (F. D. C. No. 31581. Sample Nos. 10142–L, 16763–L.)

INFORMATION FILED: February 7, 1952, Northern District of Ohio, against the Midwest Chemical Development Corp., from Cleveland, Ohio.

ALLEGED SHIPMENT: On or about March 2, 1951, from the State of Ohio into the States of Michigan and California.

LABEL, IN PART: "Manufactured for: Diacin Chemical Co. * * * Detroit, Michigan * * * Each capsule contains: Allyl Isopropyl Barbiturate Sodium 1½ gr." and "270 Tablets Hemotene With Organic Iron and B–12 Distributed by Halco Corp. Los Angeles, Calif. Six Hemotene Tablets provide: * * * Vitamin C 120 milligrams Vitamin D 2000 U. S. P. Units."

NATURE OF CHARGE: *Allylisopropyl barbiturate sodium capsules.* Adulteration, Section 501 (c), the strength of the article differed from that which it purported and was represented to possess since it contained less than 1½ grains of allylisopropyl barbiturate sodium per capsule as represented. Misbranding, Section 502 (a), the label declaration "Each capsule contains: Allyl Isopropyl Barbiturate Sodium 1½ gr." was false and misleading.

Hemotene tablets. Adulteration, Section 501 (c), the strength of the article differed from that which it purported and was represented to possess since 6 tablets of the article were represented to supply 120 mg. of vitamin C and 2,000 U. S. P. units of vitamin D, whereas 6 tablets would supply lesser